

Practitioner's Docket No 42108/25508



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DECLARATION AND POWER OF ATTORNEY

#6

As a below named inventor, I hereby declare that:

TYPE OF DECLARATION

This declaration is of the following type:

- ☒ original.
- ☐ design.
- ☐ supplemental.
- ☐ national stage of PCT.
- ☐ divisional.
- ☐ continuation.
- ☐ continuation-in-part (C-I-P).

INVENTORSHIP IDENTIFICATION

My residence, post office address and citizenship are as stated below, next to my name. I believe that I am the original, first and sole inventor of the subject matter that is claimed, and for which a patent is sought on the invention entitled

TITLE OF INVENTION

PHARMACOLOGICAL AGENT AND METHOD OF TREATMENT

SPECIFICATION IDENTIFICATION

the specification of which:

- (a) ☐ is attached hereto.
- (b) ☒ was filed on 2/15/01 Serial No. 09/784,631.
- (c) ☐ was described and claimed in PCT International Application No. , filed on and as amended under PCT Article 19 on (if any).

ACKNOWLEDGMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information, which is material to patentability as defined in 37, Code of Federal Regulations, § 1.56,

- ☒ and which is material to the examination of this application, namely, information where there is a substantial likelihood that a reasonable Examiner would consider it important in deciding whether to allow the application to issue as a patent, and
- ☐ in compliance with this duty, there is attached an information disclosure statement, in accordance with 37 C.F.R. § 1.98.

I hereby claim foreign priority benefits under Title 35, United States Code, §§ 119(a)-(d) of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United

States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed.

- (d) ☒ no such applications have been filed.
(e) ☐ such applications have been filed as follows.

CLAIM FOR BENEFIT OF PRIOR U.S. PROVISIONAL APPLICATION(S)
(34 U.S.C. § 119(e))

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below:

PROVISIONAL APPLICATION NUMBER

60/182,608

FILING DATE

February 15, 2000

POWER OF ATTORNEY

I hereby appoint the following practitioner(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith:

Gregory E. Upchurch, No. 28,482; Grant D. Kang, No. 37,651; Caroline G. Chicoine, No. 38,198; Dennis JM Donahue, III, No. 43,591; Robert C. Haldiman, No. 45,437; Ahaji J. Kirk, No. 46,831; Paul A. Lesko, No. 45,364

- ☒ I hereby appoint the practitioner(s) associated with the Customer Number provided below to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.
☐ Attached, as part of this declaration and power of attorney, is the authorization of the above-named practitioner(s) to accept and follow instructions from my representative(s).

SEND CORRESPONDENCE TO

DIRECT TELEPHONE CALLS TO:
(Name and telephone number)

- ☒ Address

Ahaji J. Kirk, 314-552-6123

Caroline Chicoine

c/o Ahaji J. Kirk

Thompson Coburn LLP, One Firstar Plaza, St. Louis, MO 63101

- ☒ Customer Number 021888

DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

SIGNATURES

Full name of sole inventor

Jose A. Fernandez-Pol
(GIVEN NAME) (MIDDLE INITIAL OR NAME) FAMILY (OR LAST NAME)

Inventor's signature inventor refuses to sign, see attached signature and accompanying petition under 37 C.F.R. § 1.47

Date _____ Country of Citizenship USA

Residence Chesterfield, MO 63017

Post Office Address 437 Hunters Hill Drive, Chesterfield, MO 63017

A signature is provided below by the Assignee of U.S. Patent Application Serial Number 09/784,631 under 37 C.F.R. §1.47 due to the inventor's refusal to sign. Please see accompanying petition under 37 C.F.R. § 1.47.

Full name of Assignee

Novactyl, Inc., on behalf of and as agent for inventor

Full name and title of Authorized Officer of Assignee Michael G. Douglas, Vice-President and Chief Scientific Officer of Novactyl, Inc.

Signature of Authorized Officer of Assignee 

Date 6-21-01

Assignee's Post Office Address 1816 Lackland Hill Parkway, Suite 220, St. Louis, MO 63146

State of Incorporation Delaware